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UNCLAS SECTION 01 OF 12 KABUL 000793

SIPDIS

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SENSITIVE, SIPDIS

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PREF, ELAB, AF
SUBJECT: AFGHANISTAN'S 2007 TIP QUESTIONNAIRE RESPONSE
REFTEL: 06 STATE 202745

Post's response to reftel questions on Trafficking in
Persons in Afghanistan are as follows:

GENERAL OVERVIEW

1. (SBU) Is the country a country of origin, transit, or destination for internationally trafficked men, women, or children? Provide, where possible, numbers or estimates for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

Very little data on trafficking victims exists. The few statistics which do exist were provided by the Ministry of Labor and Social Affairs (MLSA), the Ministry of Interior (MOI), the Afghan Independent Human Rights Commission (AIHRC), and the International Organization for Migration (IOM). The data provided is reliable but is based on spot reports and should not be considered exhaustive. It is generally believed that the prevalence of trafficking is much higher than available statistics reveal. There has been no national assessment on trafficking, nor are there any government ministries or NGO's who have taken on the responsibility of organizing such an assessment. (The MLSA would like to conduct a

national survey on issues that affect children this year, which would include trafficking, but this study would not address trafficking of adult women or men.) Most available information about trafficking trends in Afghanistan is anecdotal and unconfirmed.

Afghanistan is a country of origin, transit, and destination for trafficked children and women. According to the MLSA and IOM, as a country of origin, Afghanistan serves as a source for children who are trafficked into Iran, Pakistan, and the Gulf countries (mostly Oman and Saudi Arabia). In 2006, there was an isolated case of two Afghan children being trafficked in Zimbabwe. (The Ministry of Labor and Social Affairs believes they were trafficked to Zimbabwe through the Gulf. The children were found working in the streets of Zimbabwe and were repatriated in 2006.) There are unconfirmed reports of Afghan women being trafficked into Pakistan and Iran. In some cases, adult males are trafficked into Iran as labor. As a transit country, Afghanistan is rumored to be used to send women and children from Tajikistan to either Pakistan or Iran, primarily for labor but also for sex (no statistics exist).

Afghanistan is reportedly a destination country for women being trafficked from China and Iran (unconfirmed) for sex or from Pakistan to carry drugs. In 2006, IOM conducted a program funded by PRM to assist 150 victims of trafficking. Ninety-six of these victims were women who had been trafficked to Afghanistan from China for sexual exploitation. Most are working in Kabul at establishments purporting to

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be "Chinese restaurants" but which effectively act as brothels. IOM suggested that the women voluntarily left China seeking work in another country but were not told they would be sent to Afghanistan and were forced to stay and work as prostitutes upon their arrival. The Ministry of Interior, however, believes most Chinese prostitutes come willingly and knowingly. The MOI reported two cases of Tajik women willingly coming to Afghanistan for work in hotels but being forced into prostitution after their arrival. During a November visit to Pol-e-charki Prison in Kabul, Poloff met a Pakistani woman who had been arrested on charges of smuggling drugs into Afghanistan from Pakistan. It was unclear whether she was a forced or willing participant.

Internal trafficking also remains an issue in Afghanistan, but no statistics are available. Child labor and forced begging are regular occurrences in Afghanistan's largest cities. For example, large numbers of children are rumored to be trafficked from provinces such as Baghlan into Kabul for labor. A 2006 AIHRC report estimated that there are approximately 60,000 child laborers in Kabul, most of whom migrated from other provinces. There are scattered reports of young boys being trafficked internally for sex, especially in the northern provinces of Badakhshan, Takhar, Kunduz, Baghlan, Samangan, Balkh, Jowzjan, Sar-e-pol, and Faryab. These boys are abducted and forced to work as dancers who perform before groups of men in private parties. In the southern provinces along the Pakistani border, there are reports of commanders abducting young boys or forcing families to turn over their sons to "work" for them as sexual objects.

IOM reported assisting at least nine adult men who were victims of internal trafficking in 2006 (no details on the type of trafficking were available). Throughout Afghanistan, women and girls continue to be exchanged to settle debts or resolve conflicts. The

AIHRC received 41 reports nationwide of women being exchanged to settle debts in 2006. Women and girls are also sold by their families for financial gain. The AIHRC reported 12 such cases in 2006. There were unconfirmed reports of husbands in Herat selling their wives into prostitution. In other cases, underage girls are forced to marry much older men to settle debts or their families are forced by influential commanders to give them away. If the girls are too young to consummate the marriage, they are often used as household servants instead.

12. (SBU) Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

There is no evidence of any major change to trafficking trends since last year's report. There continue to be rumors of child trafficking for organs, but none of the sources who have mentioned this (including the Ministry of Interior) have documented cases that would confirm the practice exists.

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While political will to address trafficking does exist, the capacity of the government and civil society to adequately address the issue - especially in the provinces and along the borders - is extremely weak. The government and local NGOs rely completely on funding and training from international donors to make any headway against TIP.

There is virtually no information available on the conditions into which victims are trafficked (internally or abroad), average profile of traffickers, or their methods for transporting them to other countries. There are unconfirmed rumors of the existence of trafficking rings in the Northern provinces. As in other countries, parents in poor, rural parts of Afghanistan often willingly send their kids with traffickers in hopes that the child will receive education and make income that he or she can send home. Baghlan province, which was traditionally an agrarian society whose economy has been hard hit by years of drought and war, is thought to be a common source of trafficked children for this reason. Women, children, and men trafficked into Iran for labor and into Pakistan are often trafficked through the province of Nimroz in the Southwest, due to the isolation and lack of border control along that part of the Iran-Afghanistan-Pakistan border. The Islam Qala border checkpoint in Herat is another site commonly used for trafficking into Iran. Similarly, the city of Torkham, in the Eastern border province of Nangarhar, is often used to traffic victims from north Afghanistan into Pakistan. Other victims from the South are trafficked into Pakistan via Afghanistan's very porous border with the provinces of Helmand, Kandahar, Zabul, Paktika and Khost.

13. (SBU) What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions

inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

As mentioned above, the government's capacity to address trafficking is extremely weak, and there is little coordination among the various government agencies that play a role in combating trafficking. There appears to be some disagreement about which government ministry has the lead on coordinating anti-trafficking efforts. Funding to train police, judges, and prosecutors on identifying and investigating trafficking cases remains inadequate. Border and highway police are often believed to be complicit in trafficking activities. The government has no capacity to assist victims; such assistance is provided mostly by international NGO's.

14. (SBU) To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The government does not currently have the capacity to systematically monitor its anti-trafficking efforts. Various ministries are responsible for prosecution and prevention, but they do not coordinate.

PREVENTION

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15. (SBU) Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government does acknowledge that trafficking is a problem and since last year seems to have a greater understanding of the different forms of trafficking.

16. (SBU) Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Ministry of Labor and Social Affairs has been the most active on strategic efforts to combat trafficking; however, the Ministry of Interior is primarily responsible for reporting and investigating cases, and has the most direct contact with victims. The Ministry of Justice is currently drafting a specific law that criminalizes trafficking. The Attorney General's Office is responsible for keeping statistics on arrests, prosecutions, and convictions. The Ministry of Foreign Affairs is involved in addressing efforts against international trafficking. The Ministry of Women's Affairs is involved somewhat in addressing issues of trafficking of women. These ministries do not coordinate and have differing opinions on which agency should take the lead. The Ministry of Labor and Social Affairs receives the most international assistance (funding and capacity building) for anti-trafficking efforts, primarily from UNICEF, but as a result, only addresses trafficking of children.

17. (SBU) Are there, or have there been, government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of

prostitutes or beneficiaries of forced labor)?

The Ministry of Labor and Social Affairs, with the assistance of UNICEF, did conduct a public awareness and education campaign in 2006. There was no available data on its effectiveness. The campaign sought to educate the public-at-large on the types of trafficking and to whom incidents should be reported.

¶8. (SBU) Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

The government does support other programs which indirectly prevent trafficking, such as efforts to keep children in school, increasing overall law enforcement and rule of law, and public education campaigns on women's and children's rights.

¶9. (SBU) What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

Government officials are willing to interact cooperatively with NGOs and other relevant organizations on trafficking issues, mostly because the government's anti-trafficking efforts are still driven by funding from the international community.

¶10. (SBU) Does the government monitor immigration and emigration patterns for evidence of trafficking? Do

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law enforcement agencies screen for potential trafficking victims along borders?

The government currently has no capacity to do this. The Ministry of Labor and Social Affairs maintains statistics on repatriation of child trafficking victims. The Ministry of Foreign Affairs had information on isolated cases, but did not maintain overall statistics on repatriation

¶11. (SBU) Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

There was a presidential decree in 2005 establishing a commission involving the Ministries of Defense, Justice, Interior, Foreign Affairs, Border Affairs, Refugees and Repatriation and Chief of the Office of the National Intelligence to coordinate on trafficking issues; however, it appears that this group never met with any frequency and has since dissolved. There is presently no coordinating mechanism within the GOA.

¶12. (SBU) Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

The government developed a National Plan of Action to address trafficking in persons in 2004 that set the following goals for national anti-trafficking efforts: creation of an anti-trafficking law; training of law enforcement officials, judges and prosecutors to identify, investigate, and prosecute trafficking cases; development of a system to track and analyze

trafficking trends; increasing border security; public awareness activities to educate the public on trafficking issues; provision of shelters and services to victims; training of Afghan diplomats working at GOA missions abroad to identify and assist trafficking victims; development of a witness protection program for those who help police in combating trafficking. To date the only parts of this plan which have been implemented include some training of law enforcement, NGO, and diplomatic employees to identify trafficking cases and scattered public awareness campaigns. With help from IOM, the Ministry of Justice began drafting an anti-trafficking law in late 2006. The draft is currently 65% complete and should be sent to the Afghan Parliament for approval in late 2007. In early 2007, the MOI drafted a new organizational plan that includes a specific office to track cases and analyze trends on TIP. This office has not yet been staffed.

In 2006 the Ministry of Labor and Social Affairs drafted, in consultation with UNICEF, a National Strategy for Children At-Risk, which identified 22 categories of children at-risk, one of which was trafficking victims. The MLSA and UNICEF have circulated copies of this strategy.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶13. (SBU) Does the country have a law specifically prohibiting trafficking in persons--both for sexual

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and non-sexual purposes (e.g. forced labor)? If so, please specifically cite the name of the law and its date of enactment. Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud or coercion? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes, (e.g., civil forfeiture laws and laws against illegal debt.

As stated above, the Ministry of Justice began drafting an anti-trafficking law in late 2006. The draft is currently 65% complete and should be sent to the Afghan Parliament for approval in late 2007. Currently traffickers are prosecuted under laws designed to address kidnapping.

The relevant laws are as follows: (Note: the quality of translation is poor; however, they are from official translations published in Afghan law books. End note.)

Penal Code

Article 356:

A person who takes away or hides a newborn baby from person who have legal rights over him, or changes him with another infant, or untruthfully relates him to some other than his mother, shall be sentenced in the light of circumstances to medium imprisonment.

Article 418:

A person who, himself/herself or through another, kidnaps a child, not yet seven years old, or someone who cannot look after himself, or leaves at large one

of the persons mentioned in an uninhabited area, shall be sentenced.

Article 419:

If, as a result of commitment of the crimes specified under article 418 of this law, some organ of the child or the person (kidnapped) is defected or lost, the offender shall be punished in accordance with the provisions of deliberate laceration or if the child or person (kidnapped) dies, the offender shall be punished in accordance with the provisions of deliberate murder.

Article 420:

1. A person who, himself or through another, kidnaps, without coercion or fraud, a child not yet eighteen years old, shall be sentenced. 2. If the kidnapped child is a girl, the offender shall be sentenced to long imprisonment, not exceeding ten years.

Article 421:

1. A person who, himself or through another, kidnaps without coercion or fraud, a child not yet eighteen years old, shall be sentenced. 2. If the kidnapped child is a girl, the offender shall receive the maximum anticipated punishment of the above paragraph.

Article 423:

If the acts specified under article 420 and 421 of this law are committed by a person who has influence or authority over the person against whom the crime has been committed, or if the former is charged with the responsibility of raising the latter, the offender

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shall be sentenced.

Article 425:

A person who carries off a girl, who is sixteen years or over, at her own will from her parents' residence for the purpose of lawfully marrying her, shall not be deemed as having committed an act of kidnapping.

Article 515:

A person who holds as hostage another person through threat, coercion or any other means, shall be sentenced to long imprisonment

14. (SBU) What are the penalties for trafficking people for sexual exploitation?

No specific law has been defined for trafficking for sexual exploitation.

15. (SBU) Punishment of Labor Trafficking Offenses:

What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude? Do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being exploited in the destination country? For employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service? If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted of these offenses?

Article 49 of the Afghan constitution prohibits forced labor.

¶16. (SBU) What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed and imposed penalties for crimes of trafficking for commercial sexual exploitation?

The courts in Afghanistan refer to Article 429 of the Penal Code to address rape cases and sexual assault cases. This article provides for no more than seven years imprisonment in rape case, unless aggravating circumstances exist. It states that, "(1) A person who through violence, threat, or deceit, violates the chastity of another (whether male or female), or initiates the act, shall be sentenced to long imprisonment, not exceeding seven years. (2) In the case where the person against whom the crime is committed is not eighteen years old, or the person who commits the crime is one of the persons specified under the paragraph 2 of article 427 of this law, the offender shall be sentenced to long imprisonment, not exceeding ten years." There is no punishment for rape mentioned in the Koran, but Islamic criminal law historically has treated it as a form of "adultery" punishable by stoning. Also, in practice, women who are victims of rape are sometimes considered to have committed a crime themselves and are sentenced accordingly. The penalty for sex trafficking has not been defined.

¶17. (SBU) Is prostitution legalized or

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decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

Though the Penal Code is silent on the definition and punishment for prostitution, courts normally consider it akin to the crime of "adultery". Judges usually refer to Article 427, which says that, "A person who commits adultery...shall be sentenced to long imprisonment" (but the law doesn't provide specific sentencing guidelines). Article 430 deals with the crime of "instigation to debauchery" and provides a minimum three years imprisonment. The translation we have is imperfect, but Article 430 apparently states that: (1) A person who instigates a male or female, not eighteen years old to debauchery or a person who instigates another to acquire a profession pertaining to debauchery, or assists another in this respect, shall be sentenced to medium imprisonment, not less than three years and; (2) if the person committing the crime is one of the persons specified under the paragraph 2 of article 427 of this law, or the act has been performed for the purpose of acquiring benefit, the offender shall be sentenced to long imprisonment, not exceeding ten years. (Note: Under Islamic Law, prostitution is also considered a form of adultery and is punishable by lashing for unmarried prostitutes and/or unmarried clients of prostitutes. For those clients and/or prostitutes who are married, the penalty is death by stoning in public view. End Note.)

¶18. (SBU) Has the government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and

sentences, including details on plea bargains and fines, if relevant and available. Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the laborer? Does the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? Are the traffickers serving the time sentenced: If not, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note.)

130 people were arrested for TIP-related offenses in 2006. 120 of those cases were prosecuted, but only 45 were actually convicted. Sentences varied between 7 months and 16 years. The Attorney General's Office did not provide data on the average length of sentences and whether such sentences were carried out. The Attorney General's office did not provide specifics on which types of trafficking cases were most commonly prosecuted.

19. (SBU) Is there any information or reports of who is behind the trafficking? For example, are the

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traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

There are no official reports on who is behind the trafficking. There are unofficial reports of some organized crime involvement in the trafficking of Eastern European women and some reports of employment agencies in China that traffic women to Afghanistan.

20. (SBU) Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

Despite scattered efforts to train law enforcement officials, government officials still lack the capacity to properly investigate TIP cases. Cases that do come to the government's attention are most likely reported by victims or their families or discovered by law enforcement officials when they are investigating other types of illegal activity, such as drug smuggling, prostitution or the sale of alcohol. The criminal procedure code does not prevent covert operations.

21. (SBU) Does the government provide any specialized training for government officials in how to recognize,

investigate, and prosecute instances of trafficking?

The government itself does not have capacity to offer such training. When conducted, such training is provided by international NGOs and not with any consistency.

122. (SBU) Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

There is limited cooperation on the return of Afghan children who have been trafficked abroad and practically no cooperation in the investigation or prosecution of cases. The GOA reports having a particularly hard time getting cooperation from the Government of Pakistan Q investigate cases of Afghan women and children trafficked into Pakistan that are reported by their families. The Ministry of Labor and Social Affairs reported a total of 400 repatriations of Afghan children in 2006: 315 from Saudi Arabia, 1 from Oman, 3 from Pakistan, 10-15 from Iran, 2 from Zimbabwe. (Note: These numbers are unlikely to reflect accurately the scale of trafficking into Pakistan and Iran. End note.)

123. (SBU) Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the

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government prohibited by law from extraditing its own nationals? If so, is the government doing to modify its laws to permit the extradition of its own nationals?

There have been no extraditions of traffickers, although there does not appear to be any law preventing such.

124. (SBU) Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There are unconfirmed reports of corrupt Afghan National Police and Afghan Border Police officers being complicit in trafficking, but no evidence exists. The Ministry of Interior said no police officials have been arrested for involvement in trafficking. There are no reports of institutional involvement in trafficking by the government.

125. (SBU) If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What sentence(s) was imposed? Please provide specific numbers, if available.

None.

126. (SBU) If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? What are the countries of origin for sex tourists? Do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act)? If so, how many of the country's nationals have been prosecuted and/or convicted under the extraterritorial provision(s)?

Sex tourism has not been identified as a problem in Afghanistan.

127. (SBU) Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. Afghanistan has not ratified this convention.

--ILO Convention 29 and 105 on Forced or Compulsory Labor. Yes, 1963.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography. Yes, 2000.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime. Yes, 2000.

PROTECTION AND ASSISTANCE TO VICTIMS

128. (SBU) Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to

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legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? Does the country have facilities dedicated to helping victims of trafficking? If so, can post provide the number of victims placed in these care facilities?

No. Any assistance to victims is provided by international NGOs and not with any consistency. The Ministry of Women's Affairs occasionally receives reports of trafficking but is unable to provide services to victims.

129. (SBU) Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

No. All funding comes from international donors.

130. (SBU) Do the government's law enforcement and social services personnel have a formal system of identifying victims of trafficking among high-risk persons with whom they come in contact(e.g. foreign persons arrested for prostitution or immigration violations)? Is there a referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

No.

131. (SBU) Are the rights of victims respected, or are victims treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

There is no established protocol for the treatment of victims. Their treatment varies depending on the

official involved, location, or security service. Female victims are often treated as criminals, both in cases of prostitution and in cases where women have run away from home to escape forced marriages or domestic abuse. No specific information is available on the length of detention or treatment of individual victims.

¶32. (SBU) Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Is there a victim restitution program?

There is no victim restitution program. The government does not encourage victims to assist in investigations, and the court system does not have the capacity to handle civil proceedings adequately.

¶33. (SBU) What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care, or juvenile justice detention centers)?

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The government provides no formal protection to victims. Victims are sometimes jailed while officials decide on the disposition of their cases, whether to press charges, or to deport. Some protection is given by NGOs, though not on a consistent basis. There are approximately four women's shelters nationwide that provide protection to female victims and their children but not in large numbers. Otherwise, children are usually placed in orphanages until their families can be located.

¶34. (SBU) Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

Any such training is provided by international NGOs, not the government. Training to GOA embassies and consulates was last provided in 2004-2005.

¶35. (SBU) Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

Such assistance is provided by international NGOs, if at all.

¶36. (SBU) Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities? NOTE: If post reports that a government is incapable of assisting and protecting TIP victims, then post should explain

thoroughly. Funding, personnel, and training constraints should be noted, if applicable. Conversely, the lack of political will to address the problem should be noted as well.

The International Organization for Migration (IOM), UNICEF, Save the Children, and the Afghan Independent Human Rights Commission provide assistance to trafficking victims. As stated before, the government does not have the financial resources or capacity to assist and protect victims.